

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN WHITE,

Defendant.

Case No. 2:07-cr-00091-LDG (PAL)

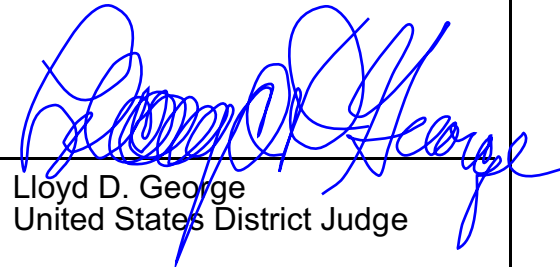
**ORDER**

The defendant, Kevin White, has filed a document titled "Request for Proof(s) of Claim from the United States Attorney." (Docket #68). A review of the document establishes that it is frivolous, and accordingly will be stricken by the Court. In the "Request," the defendant generally asserts that the Administrative Procedures Act compels the U.S. Attorney to refute a variety of "Proof(s) of Claim," and the failure to do so constitutes an agreement that the defendant's incarceration is unlawful. The various "Proof(s) of Claim" generally concern a theory that 18 U.S.C. §3231, which confers original jurisdiction on district courts of the United States of all offenses against the laws of the United States, is unconstitutional because of irregularities in its enactment. The Seventh Circuit described this theory as "unbelievably frivolous" when made by an attorney on behalf of his client, and subjected the attorney to a motion to show cause why he should

1 not be sanctioned for professional misconduct. See *United States v. Collins*, 510 F.3d 697,  
2 698 (7<sup>th</sup> Cir. 2007). As the foundation of the defendant's request is patently frivolous, the  
3 Court will not require the waste of further judicial resources or the resources of the United  
4 States attorney with respect to that request. Accordingly,

5 THE COURT **ORDERS** that the Clerk of the Court shall STRIKE the defendant's  
6 "Request for Proof(s) of Claim from the United States Attorney" (Docket #68).

7  
8 DATED this 29 day of January, 2013.

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11 Lloyd D. George  
12 United States District Judge  
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